

Fill in this information to identify your case:

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS

Debtor 1      FRANK                      MCLAIN                      MORGAN  
                 First Name                      Middle Name                      Last Name

Debtor 2      \_\_\_\_\_  
(filing spouse)      First Name                      Middle Name                      Last Name

Case Number:      19-40893

**EOD**  
01/10/2020

11/61

**TXEB Local Form 3015-b**

**ORDER CONFIRMING CHAPTER 13 PLAN**

Adopted: Dec 2017

Upon completion of a hearing upon proper notice to consider the confirmation of the Chapter 13 Plan proposed by the Debtor<sup>1</sup> (the "Plan"), wherein the Court has determined that all of the requisite requirements for confirmation pursuant to § 1325<sup>2</sup> have been fulfilled by the Debtor, and that all objections to plan confirmation have been overruled or resolved by agreement, the Court finds that just cause exists for the entry of the following order.

**IT IS THEREFORE ORDERED:**

1. The Debtor's Plan filed on 11/23/2019 [**dkf #61**], as amended by this Order, is **CONFIRMED**.
2. The Debtor shall pay:

☐ **Constant Payments:** \$ \_\_\_\_\_ per month for \_\_\_\_\_ months,

☒ **Variable Payments:** for 60 months pursuant to the schedule set forth in **Exhibit A** to this Order, together

with those portions of any tax refunds required to be tendered under § 2.4 of the Plan, to:

**Carey D. Ebert, Chapter 13 Trustee**  
**P. O. Box 628**  
**Tyler, TX 75710**

Beginning 5/1/2019 and continuing until all of the allowed claims provided for by the Plan have been paid in accordance with the provisions of the Plan, this Order, or any subsequent order of the Court.

3. Excepting adequate protection payments authorized to be paid by LBR 3015(c), and only to the extent funds are available, the Trustee shall make disbursements on a monthly basis to the holders of allowed claims as set forth in the terms of the Plan and as modified by this Order; provided, however, that the Trustee shall not be required to pay any dividend to any claimant in an amount less than \$15.00 and any dividends deferred under this provision shall be paid when the accumulation of payments due to such claimant shall exceed the sum of \$15.00. Upon the filing of any plan modification motion, however, the Trustee is authorized to suspend disbursements to the holders of allowed claims pending the resolution of that motion in order to determine the effect of the modification upon future disbursements.

Signed on 1/10/2020

Brenda T. Rhoades      SR  
HONORABLE BRENDA T. RHOADES,  
UNITED STATES BANKRUPTCY JUDGE

<sup>1</sup> The use of the singular term "Debtor" in this Order includes both debtors.

<sup>2</sup> All statutory references contained in this Order refer to the Bankruptcy Code, located in Title 11, United States Code.

APPROVED AS TO FORM AND SUBSTANCE:

**x** /s/ Carey D. Ebert  
**Carey D. Ebert, Chapter 13 Trustee**

Date \_\_\_\_\_

**x** /s/ Gregory W. Mitchell  
**Gregory W. Mitchell**  
**Attorney for Debtor**

Date January 3, 2020

**EXHIBIT "A" - VARIABLE PLAN PAYMENTS**

<u>Month</u>	<u>Payment</u>	<u>Month</u>	<u>Payment</u>	<u>Month</u>	<u>Payment</u>
1	\$ 100.00	25	\$ 3,308.30	49	\$ 3,742.30
2	\$ 2,000.00	26	\$ 3,308.30	50	\$ 3,742.30
3	\$ 2,000.00	27	\$ 3,308.30	51	\$ 3,742.30
4	\$ 2,000.00	28	\$ 3,308.30	52	\$ 3,742.30
5	\$ 2,000.00	29	\$ 3,308.30	53	\$ 3,742.30
6	\$ 2,000.00	30	\$ 3,308.30	54	\$ 3,742.30
7	\$ 2,000.00	31	\$ 3,308.30	55	\$ 3,742.30
8	\$ 2,000.00	32	\$ 3,308.30	56	\$ 3,742.30
9	\$ 2,000.00	33	\$ 3,308.30	57	\$ 3,742.30
10	\$ 3,308.30	34	\$ 3,308.30	58	\$ 3,742.30
11	\$ 3,308.30	35	\$ 3,308.30	59	\$ 3,742.30
12	\$ 3,308.30	36	\$ 3,308.30	60	\$ 3,742.30
13	\$ 3,308.30	37	\$ 3,308.30		
14	\$ 3,308.30	38	\$ 3,308.30		
15	\$ 3,308.30	39	\$ 3,308.30	Total	\$ 193,069.43
16	\$ 3,308.30	40	\$ 3,308.30		
17	\$ 3,308.30	41	\$ 3,308.30		
18	\$ 3,308.30	42	\$ 3,742.30		
19	\$ 3,308.30	43	\$ 3,742.30		
20	\$ 3,308.30	44	\$ 3,742.30		
21	\$ 3,308.30	45	\$ 3,742.30		
22	\$ 3,308.30	46	\$ 3,742.30		
23	\$ 3,308.30	47	\$ 3,742.30		
24	\$ 3,308.30	48	\$ 3,742.30		

Note: Payment increase beginning in month 42 due to payoff of vehicle as noted in Section 3.5.2